

**United States District Court  
Northern District of New York**

Franklin J. Presky,	)	Case No. 6:21-cv-00162-DNH-DJS
<i>Plaintiff,</i>	)	
	)	David N. Hurd
v.	)	United States District Court Judge
	)	
Kilolo Kijakazi,	)	Daniel J. Stewart
Acting Commissioner of the Social	)	United States Magistrate Judge
Security Administration,	)	
<i>Defendant.</i>	)	

**ORDER WITH REMAND PURSUANT  
TO SENTENCE FOUR OF 42 U.S.C. § 405(g)**

The Defendant, Kilolo Kijakazi, Acting Commissioner of the Social Security Administration (“Commissioner”), has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing her decision with remand of the cause for further administrative proceedings.

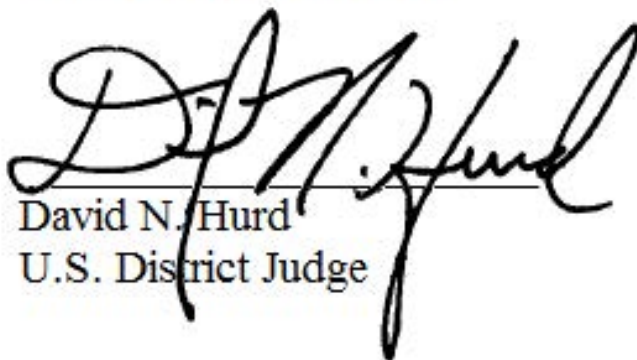
Upon remand by this Court, the Appeals Council will remand this matter to an Administrative Law Judge (“ALJ”). Upon remand, the ALJ shall be instructed to conduct a new hearing and issue a new decision.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner’s request to remand this action for further proceedings, this Court hereby:

**REVERSES** the Commissioner’s decision under sentence four of 42 U.S.C. § 405(g), with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. As there remains no justiciable dispute pending

between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate, except for purposes of consideration and determination of motions for attorney's fees.

IT IS SO ORDERED:



David N. Hurd  
U.S. District Judge

Dated: 1-28-22